

TYPE OR PRINT  
IN BLACK INK  
(For instructions, see  
booklet: "How to File an  
Application to Appropriate  
Water in California")



# California Environmental Protection Agency

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
www.waterrights.ca.gov

Working Copy  
2008  
C  
8

APPLICATION NO. 3169  
(leave blank)

## APPLICATION TO APPROPRIATE WATER

### SECTION A: NOTICE INFORMATION

#### 1. APPLICANT/AGENT

|                   | APPLICANT            | ASSIGNED AGENT (if any)         |
|-------------------|----------------------|---------------------------------|
| Name              | TONY PEJU            | MONTICELLO ENGINEERING          |
|                   |                      | ATTN: ROYCE W. CUNNINGHAM       |
| Mailing Address   | P.O. BOX 478         | 825 CORTE MALAGA                |
| City, State & Zip | RUTHERFORD, CA 94573 | VACAVILLE, CA. 95688            |
| Telephone         | (707) 963-0600       | (707) 448-2066                  |
| Fax               | (707) 963-8680       | (707) 448-4462                  |
| E-mail            |                      | monticello-engineering@yahoo.co |

#### 2. OWNERSHIP INFORMATION (Please check type of ownership.)

- ☒ Sole Owner ☐ Limited Liability Company (LLC) ☐ General Partnership\*  
☐ Limited Partnership\* ☐ Business Trust ☐ Husband/Wife Co-Ownership  
☐ Corporation ☐ Joint Venture ☐ Other \_\_\_\_\_

\*Please provide a copy of your partnership agreement.

#### 3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.)

EXCAVATION OF EXISTING RESERVOIR FROM 9 AC-FT TO 15 AC-FT.  
APPROXIMATELY 8,200 CU-YDS OF MATERIAL TO BE SPREAD AND  
BLENDED WITH TOPSOIL FROM APPROXIMATELY 6 ACRES OF NEW  
VINEYARD TO BE DEVELOPED. FIFTEEN (15) AC-FT OF WATER TO BE  
USED TO DRIP IRRIGATE A TOTAL OF 13.5 ACRES OF VINEYARD.

☒ For continuation, see Attachment No. 1

#### 4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

| a. PURPOSE<br>OF USE<br>(irrigation, domestic, etc.) | DIRECT DIVERSION      |                        |                                 |                              | STORAGE                |                                 |                              |
|--|-----------------------|------------------------|---------------------------------|------------------------------|------------------------|---------------------------------|------------------------------|
|  | AMOUNT                |                        | SEASON OF DIVERSION             |                              | AMOUNT                 | SEASON OF COLLECTION            |                              |
|  | Rate<br>(cfs or gpd)* | Acre-feet<br>per annum | Beginning date<br>(month & day) | Ending date<br>(month & day) | Acre-feet<br>per annum | Beginning date<br>(month & day) | Ending date<br>(month & day) |
| DRIP-IRRIGATED<br>VINEYARD                           |                       |                        |                                 |                              | 15.0                   | 10/15                           | 4/15                         |
|  |                       |                        |                                 |                              |                        |                                 |                              |
|  |                       |                        |                                 |                              |                        |                                 |                              |
|  |                       |                        |                                 |                              |                        |                                 |                              |
| Total afa =  |                       |                        | Total afa =                     |                              |                        |                                 |                              |

☒ See Attachment No. 3

\* If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

- b. Total combined amount taken by direct diversion and storage during any one year will be \_\_\_\_\_ acre-feet.  
c. Reservoir storage is: ☒ onstream ☐ offstream ☐ underground (If underground storage, attach Form APP-UGSTOR.)  
d. County in which diversion is located: NAPA County in which water will be used: NAPA

#### 5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

- a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):

☒ POD / ☐ PORD # 1: UNNAMED SEASONAL STREAM tributary to DUTCH HENRY CANYON CREEK  
thence TRIBUTARY TO BITER CREEK THENCE TRIBUTARY TO NAPA RIVER  
☐ POD / ☐ PORD # \_\_\_\_\_ tributary to \_\_\_\_\_  
thence \_\_\_\_\_  
☐ POD / ☐ PORD # \_\_\_\_\_ tributary to \_\_\_\_\_  
thence \_\_\_\_\_  
☐ POD / ☐ PORD # \_\_\_\_\_ tributary to \_\_\_\_\_  
thence \_\_\_\_\_

☒ See Attachment No. 2, 3

b. State Planar and Public Land Survey Coordinate Description:

| POD/<br>PORD<br># | CALIFORNIA<br>COORDINATES<br>(NAD 27) | ZONE | POINT IS WITHIN<br>(40-acre subdivision) | SECTION | TOWN<br>-SHIP | RANGE | BASE AND<br>MERIDIAN |
|-------------------|---------------------------------------|------|--|---------|---------------|-------|----------------------|
| 1                 | N 1,974,841.50<br>E 6,413,038.26      | 2    | NW 1/4 of SW 1/4                         | 34      | 9N            | 6W    | MT. DIABLO           |
|                   |                                       |      | 1/4 of 1/4                               |         |               |       |                      |
|                   |                                       |      | 1/4 of 1/4                               |         |               |       |                      |
|                   |                                       |      | 1/4 of 1/4                               |         |               |       |                      |

☒ See Attachment No. 2, 3

c. Name of the post office most often used by those living near the proposed point(s) of diversion: CALISTOGA, CA.

6. WATER AVAILABILITY

a. Have you attached a water availability analysis for this project? ☒ YES ☐ NO

If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation:

☒ See Attachment No. 5

b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board during your proposed season of diversion? ☐ YES ☒ NO

c. In an average year, does the stream dry up at any point downstream of your project? ☒ YES ☐ NO If YES, during which months? ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☒ May ☒ Jun ☒ Jul ☒ Aug ☒ Sep ☐ Oct ☐ Nov ☐ Dec

d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.)

NONE

☐ See Attachment No. \_\_\_\_\_

7. PLACE OF USE

| USE IS WITHIN<br>(40-acre subdivision) | SECTION* | TOWNSHIP | RANGE | BASE &<br>MERIDIAN | IF IRRIGATED |  |
|--|----------|----------|-------|--------------------|--------------|--|
|  |          |          |       |                    | Acres        | Presently cultivated?                                    |
| SW 1/4 of NW 1/4                       | 34       | 9N       | 6W    | MT. DIABLO         | 1.0          | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| NW 1/4 of SW 1/4                       | 34       | 9N       | 6W    | MT. DIABLO         | 10.4         | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| SW 1/4 of SW 1/4                       | 34       | 9N       | 6W    | MT. DIABLO         | 2.1          | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4                             |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4                             |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4                             |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4                             |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4                             |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4                             |          |          |       |                    |              | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| Total:                                 |          |          |       |                    | 13.5         |  |

\*Please indicate if section is projected with a "(P)" following the section number.

☒ See Attachment No. 2, 3

b. Please provide the Assessor's Parcel Number(s) for the place of use: 018-060-068

8. PROJECT SCHEDULE

a. Project is:

☒ proposed. Year construction will begin: 2008

☒ partially complete. Extent of completion: EXISTING RESERVOIR WAS 9 AC-FT OF STORAGE. NO PUMPING OR WATER DELIVERY SYSTEM EXISTS. EXISTING 7.6 AC. VINEYARD DOES HAVE A DRIP SYSTEM SERVED BY A WELL.

☐ complete. Year completed: \_\_\_\_\_

b. Year of first use: 2009 Year water will be used to the full extent intended: 2009

## SECTION B: MISCELLANEOUS DIVERSION INFORMATION

### 1. JUSTIFICATION OF AMOUNTS REQUESTED

- a. ☒ **IRRIGATION:** Maximum area to be irrigated in any one year: 13.5 acres.

| CROP     | ACRES | METHOD OF IRRIGATION<br>(sprinklers, flooding, etc.) | WATER USE<br>(Acre-feet/Yr.) | SEASON OF WATER USE             |                              |
|----------|-------|--|------------------------------|---------------------------------|------------------------------|
|          |       |  |                              | Beginning date<br>(month & day) | Ending date<br>(month & day) |
| VINEYARD | 13.5  | DRIP   | 15.0                         | 4/15                            | 10/15                        |
|          |       |  |                              |                                 |                              |
|          |       |  |                              |                                 |                              |
|          |       |  |                              |                                 |                              |

☒ See Attachment No. 3

- b. ☐ **DOMESTIC:** Number of residences to be served: \_\_\_\_\_ Separately owned? ☐ YES ☐ NO  
 Number of people to be served: \_\_\_\_\_ Estimated daily use per person is: \_\_\_\_\_ gallons per day  
 Area of domestic lawns and gardens: \_\_\_\_\_ square feet  
 Incidental domestic uses: \_\_\_\_\_  
 (dust control area, number and kind of domestic animals, etc.)

- c. ☐ **STOCKWATERING:** Kind of stock: \_\_\_\_\_ Maximum number: \_\_\_\_\_  
 Describe type of operation: \_\_\_\_\_  
 (feedlot, dairy, range, etc.)

- d. ☐ **RECREATIONAL:** Type of recreation: ☐ Fishing ☐ Swimming ☐ Boating ☐ Other \_\_\_\_\_

- e. ☐ **MUNICIPAL:**

| POPULATION                                     |            | MAXIMUM MONTH                             |                            | ANNUAL USE                                |                           |                      |
|--|------------|---|----------------------------|---|---------------------------|----------------------|
| List for 5-year periods until use is completed |            |   |                            |   |                           |                      |
| Period   | Population | Average daily use<br>(gallons per capita) | Rate of diversion<br>(cfs) | Average daily use<br>(gallons per capita) | Acre-foot<br>(per capita) | Total<br>(acre-feet) |
| Present  |            |   |                            |   |                           |                      |
|  |            |   |                            |   |                           |                      |
|  |            |   |                            |   |                           |                      |
|  |            |   |                            |   |                           |                      |
|  |            |   |                            |   |                           |                      |

☐ See Attachment No. \_\_\_\_\_

Month of maximum use during year: \_\_\_\_\_ Month of minimum use during year: \_\_\_\_\_

- f. ☐ **HEAT CONTROL:** Area to be heat controlled: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 Heat protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

- g. ☐ **FROST PROTECTION:** Area to be frost protected: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 The frost protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

- h. ☐ **INDUSTRIAL:** Type of industry: \_\_\_\_\_  
 Basis for determination of amount of water needed: \_\_\_\_\_

- i. ☐ **MINING:** Name of the claim: \_\_\_\_\_ ☐ Patented ☐ Unpatented  
 Nature of the mine: \_\_\_\_\_ Mineral(s) to be mined: \_\_\_\_\_  
 Type of milling or processing: \_\_\_\_\_  
 After use, the water will be discharged into \_\_\_\_\_ (watercourse)  
 in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M.

- j. ☐ **POWER:** Total head to be utilized: \_\_\_\_\_ feet  
 Maximum flow through the penstock: \_\_\_\_\_ cfs  
 Maximum theoretical horsepower capable of being generated by the works (cfs x fall + 8.8): \_\_\_\_\_  
 Electrical capacity (hp x 0.746 x efficiency): \_\_\_\_\_ kilowatts at: \_\_\_\_\_ % efficiency  
 After use, the water will be discharged into \_\_\_\_\_ (watercourse)  
 in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M. FERC No.: \_\_\_\_\_

- k. ☐ **FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT:** List specific species and habitat type that will be preserved or enhanced in Item 7a of Section C.

- l. ☐ **OTHER:** Describe use: \_\_\_\_\_  
 Basis for determination of amount of water needed: \_\_\_\_\_

## 2. DIVERSION AND DISTRIBUTION METHOD

- a. Diversion will be by gravity by means of: EXISTING EARTH DAM TO RESERVOIR  
(dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from: RESERVOIR TO DISTRIBUTION SYSTEM  
(sump, offset well, channel, reservoir, etc.)
- Pump discharge rate: 75 ☐ cfs or ☐ gpd Horsepower: \_\_\_\_\_ Pump Efficiency: \_\_\_\_\_  
☒ gpm

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

| CONDUIT<br>(pipe or<br>channel) | MATERIAL<br>(type of pipe or channel lining;<br>indicate if pipe is buried or not) | CROSS-SECTION<br>(pipe diameter, or ditch depth<br>and top and bottom width)<br>(inches or feet) | LENGTH<br>(feet) | TOTAL<br>LIFT OR FALL |        | CAPACITY<br>(cfs, gpd or<br>gpm) |
|---------------------------------|--|--|------------------|-----------------------|--------|----------------------------------|
|                                 |  |  |                  | feet                  | + or - |                                  |
|                                 |  |  |                  |                       |        |                                  |
|                                 |  |  |                  |                       |        |                                  |
|                                 |  |  |                  |                       |        |                                  |

☐ See Attachment No. \_\_\_\_\_

d. Storage reservoirs: (For underground storage, complete and attach form APP-UGSTOR)

| RESERVOIR<br>NAME<br>OR<br>NUMBER | DAM  |                          |                  |  | RESERVOIR                            |                         |                                  |
|-----------------------------------|--|--------------------------|------------------|--|--------------------------------------|-------------------------|----------------------------------|
|                                   | Vertical height<br>from downstream<br>toe of slope to<br>spillway level (feet) | Construction<br>material | Length<br>(feet) | Freeboard:<br>dam height above<br>spillway crest<br>(feet) | Surface area<br>when full<br>(acres) | Capacity<br>(acre-feet) | Maximum<br>water depth<br>(feet) |
| <u>1</u>                          | <u>21.4</u>  | <u>EARTH</u>             | <u>175</u>       | <u>3.0</u>   | <u>1.6</u>                           | <u>9.1*</u>             | <u>12.6</u>                      |
|                                   |  |                          |                  |  |                                      |                         |                                  |
|                                   |  |                          |                  |  |                                      |                         |                                  |

☒ See Attachment No. 4 \* EXISTING CAPACITY

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

| RESERVOIR<br>NAME<br>OR<br>NUMBER | OUTLET PIPE          |                  |  |  |  |
|-----------------------------------|----------------------|------------------|--|--|--|
|                                   | Diameter<br>(inches) | Length<br>(feet) | Fall:<br>vertical distance between<br>entrance and exit of outlet pipe<br>(feet) | Head:<br>vertical distance from spill-<br>way to entrance of outlet pipe<br>(feet) | Dead Storage:<br>storage below entrance<br>of outlet pipe<br>(acre-feet) |
|                                   |                      |                  |  |  |  |
|                                   |                      |                  |  |  |  |
|                                   |                      |                  |  |  |  |

☐ See Attachment No. \_\_\_\_\_

f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be \_\_\_\_\_ cfs. Diversion to offstream storage will be made by: ☐ Pumping ☐ Gravity

## 3. CONSERVATION AND MONITORING

a. What methods will you use to conserve water? Explain. VINEYARD IRRIGATION WILL BE BY DRIP EMITTERS. ONE GALLON PER HOUR PER EMITTER. TEN HOUR IRRIGATION PERIOD OVER 4.5 ACRE BLOCKS (3 TOTAL) EVERY THIRD DAY DURING 4 MONTH PERIOD. 945 VINES PER ACRE ON 6x8 SPACING.

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? ☐ Weir ☐ Meter ☐ Periodic sampling ☐ Other (describe) \_\_\_\_\_

## 4. RIGHT OF ACCESS

- a. Does the applicant own all the land where the water will be diverted, transported and used? ☒ YES ☐ NO  
If NO, I ☐ do ☐ do not have a recorded easement or written authorization allowing me access.
- b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access: \_\_\_\_\_

☒ See Attachment No. 3

## 5. EXISTING WATER RIGHTS AND RELATED FILINGS

- a. Do you claim an existing right for the use of all or part of the water sought by this application? ☐ YES ☐ NO  
If YES, please specify: ☐ Riparian ☐ Pre-1914 ☐ Registration ☐ Permit ☐ License  
☐ Percolating groundwater ☐ Adjudicated ☐ Other (specify) \_\_\_\_\_
- b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of

water diversion and use, if applicable. EXISTING 9.1 ACRE POND HAS BEEN USED TO WATER LIVESTOCK AND IRRIGATE PASTURE FOR AT LEAST 60 YEARS. NO WRITTEN RECORDS HAVE BEEN FOUND TO CONFIRM EXACT DATE OF INITIAL USE

- c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion. \_\_\_\_\_

☐ See Attachment No. \_\_\_\_\_

## 6. OTHER SOURCES OF WATER

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project? ☐ Yes ☐ No If yes, please explain: \_\_\_\_\_

## 7. MAP REQUIREMENTS

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than three cfs by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1000 acre-feet per annum by underground storage. See the instruction booklet for more information.

☐ See Attachment No. \_\_\_\_\_

# SECTION C: ENVIRONMENTAL INFORMATION

Note: Before a water right permit may be issued for your project, the State Water Resources Control Board (SWRCB) must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the SWRCB is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

## 1. COUNTY PERMITS

- a. Contact your county planning or public works department and provide the following information:

Person contacted: BRIAN BORDONA Date of contact: 6/25/07  
Department: NAPA COUNTY PLANNING DEPT. Telephone: (707)  
County Zoning Designation: AGRICULTURE

Are any county permits required for your project? ☒ YES ☐ NO If YES, check appropriate box below:

☒ Grading permit ☐ Use permit ☐ Watercourse ☐ Obstruction permit ☐ Change of zoning

☐ General plan change ☒ Other (explain): VINEYARD DEVELOPMENT EROSION

CONTROL PERMIT

- b. Have you obtained any of the required permits described above? ☐ YES ☒ NO

If YES, provide a complete copy of each permit obtained.

☐ See Attachment No. \_\_\_\_\_

## 2. STATE/FEDERAL PERMITS AND REQUIREMENTS

- a. Check any additional state or federal permits required for your project:

☐ Federal Energy Regulatory Commission ☐ U.S. Forest Service ☐ U.S. Bureau of Land Management  
☐ U.S. Corps of Engineers ☐ U.S. Natural Res. Conservation Service ☐ Calif. Dept. of Fish and Game  
☐ State Lands Commission ☐ Calif. Dept. of Water Resources (Div. of Safety of Dams)  
☐ Calif. Coastal Commission ☐ State Reclamation Board ☐ Other (specify) \_\_\_\_\_

- b. For each agency from which a permit is required, provide the following information:

| AGENCY | PERMIT TYPE | PERSON(S) CONTACTED | CONTACT DATE | TELEPHONE NO. |
|--------|-------------|---------------------|--------------|---------------|
|        |             |                     |              |               |
|        |             |                     |              |               |
|        |             |                     |              |               |

☐ See Attachment No. \_\_\_\_\_

- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake? ☐ YES ☒ NO  
If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ See Attachment No. \_\_\_\_\_

- d. Have you contacted the California Department of Fish and Game concerning your project? ☐ YES ☒ NO  
If YES, name and telephone number of contact: \_\_\_\_\_

### 3. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project? ☐ YES ☒ NO  
c. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: \_\_\_\_\_  
d. If NO, check the appropriate box and explain below, if necessary:  
☐ The applicant is a California public agency and will be preparing the environmental document.\*  
☒ I expect that the SWRCB will be preparing the environmental document.\*\*  
☐ I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_  
☐ See Attachment No. \_\_\_\_\_

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your application cannot proceed until these documents are submitted.

\*\* Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the SWRCB, Division of Water Rights.

### 4. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  
☐ YES ☒ NO  
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ See Attachment No. \_\_\_\_\_

- b. Will a waste discharge permit be required for your project? ☐ YES ☒ NO  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_  
c. What method of treatment and disposal will be used? \_\_\_\_\_  
\_\_\_\_\_

☐ See Attachment No. \_\_\_\_\_

### 5. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? ☐ YES ☒ NO  
b. Will you be preparing an archeological report to satisfy another public agency? ☐ YES ☒ NO  
c. Do you know of any archeological or historic sites located within the general project area? ☐ YES ☒ NO  
If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ See Attachment No. \_\_\_\_\_

### 6. ENVIRONMENTAL SETTING

Attach three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- ☐ Along the stream channel immediately downstream from the proposed point(s) of diversion.  
☐ Along the stream channel immediately upstream from the proposed point(s) of diversion.  
☐ At the place(s) where the water is to be used.  
☐ See Attachment No. \_\_\_\_\_

## SECTION D: SUBMITTAL FEES

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website ([www.waterrights.ca.gov](http://www.waterrights.ca.gov)).

A check for the application filing fee, payable to the "Division of Water Rights" and an \$850 check for the Streamflow Protection Standards review fee [Pub. Resources Code § 10005(a)], payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. Your application will be returned to you if it is not accompanied by all required fees.

## SECTION E: DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

A. J. [Signature]      OWNER      10-25-07  
Signature of Applicant      Title or Relationship      Date

\_\_\_\_\_  
Signature of Co-Applicant (if any)      Title or Relationship      Date



### "APPLICATION TO APPROPRIATE WATER" CHECKLIST

Before you submit your application, be sure to:

- ☐ Answer each question completely in Sections A, B, and C.
- ☐ Number and include all necessary attachments.
- ☐ Include a legible map that meets the requirements discussed in the instruction booklet (Item B6).
- ☐ Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation (Item A6).
- ☐ Include three complete sets of color photographs of the project site (Item C6).
- ☐ Enclose a check for the required fee, payable to the Division of Water Rights, as specified in Section D.
- ☐ Enclose a \$850 check for the Streamflow Protection Standards review fee, payable to the Department of Fish and Game, as specified in Section D.
- ☐ Sign and date the application in Section E.

Send the original and one copy of the entire application to:

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

SRH

# MONTICELLO ENGINEERING

CONSULTING CIVIL ENGINEERS and SURVEYORS

January 30, 2008

Mr. Steven Herrera, Chief  
Water Rights Permitting Section  
State Water Resources Control Board  
Division of Water Rights  
1001 I Street, 14<sup>th</sup> Floor  
P.O. Box 2000  
Sacramento, CA 95812-2000

Subject: Application to Appropriate Water, Dutch Henry Canyon Property,  
Assessor's Parcel Number 018-060-068

Dear Mr. Herrera:

Monticello Engineering is submitting the enclosed Application to Appropriate Water on behalf of Mr. Tony Peju. Mr. Peju's representatives have previously submitted Applications to Appropriate Water for the same parcel (refer to 333:BC:266.0 and 333:JDM:266.0), but were returned by your department as incomplete.

Enclosed please find the following application materials:

- Application to Appropriate Water
- Attachment 1: Project Description
- Attachment 2: Project Location Map
- Attachment 3: Topographic and Vineyard Map
- Attachment 4: Reservoir Topographic Map
- Attachment 5: Water Availability Analysis
- Check for Application Fee and Initial Review in the amount of \$1,120.00
- Check for DF&G Review Fee in the amount of \$850.00

Please feel free to contact me at (707) 448-2066 or [monticello\\_engineering@yahoo.com](mailto:monticello_engineering@yahoo.com) if you have any questions or require additional information.

Sincerely,



Royce W. Cunningham, P.E.  
Principal Engineer



2007-2008  
10050-5 AMH:LO  
01/11/2008

**Attachment 1  
Project Description**

The property is identified as Assessor's Parcel 018-060-068, and is located approximately five miles southeast of Calistoga, in Napa County, California (Attachment 2). The property consists of 87.69 acres in Dutch Henry Canyon, located off Silverado Trail, and has an address of 321 Dutch Henry Canyon Road, Napa, California.

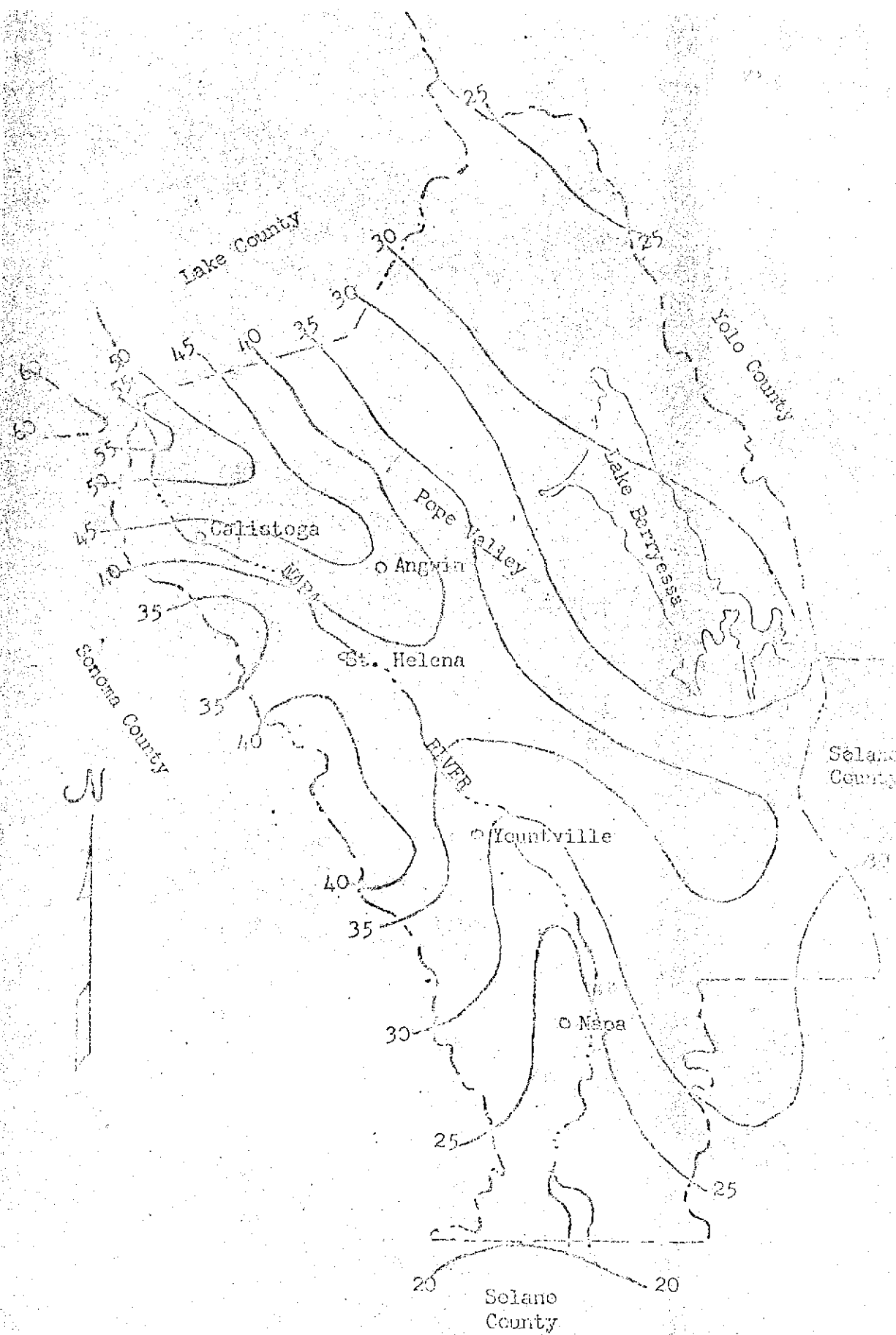
Vegetation on the property includes a mixture of dense mixed forest, including madrone, manzanita, pine, and Douglas fir on the hillside slopes of the canyon flanks, and a mix of vineyard, grassland, scattered immature oak trees and scrub brush, and a residence, on the valley floor.

The property owner, Mr. Tony Peju, ultimately would like to develop a total of approximately 13.5 acres of vineyard on the property. Approximately 7.6 acres of vineyard have been developed on the property, in two blocks. The two existing vineyard blocks consist of (1) the North Vineyard, 3.8 acres east of the paved roadway immediately south of the residence on slopes ranging from 4 to 10 percent, and (2) the South Vineyard, 3.8 acres west of the roadway at the property's southern boundary on slopes ranging from 3 to 12 percent. Additionally, Mr. Peju has plans to develop approximately 5.9 acres of additional vineyard, in four (4) blocks, two east of, and two west of the roadway. The existing and proposed vineyard blocks are shown on Attachment 3.

An existing pond with a 1.3 acre surface area is located on the western side of the canyon floor. The original date of construction of the pond is unknown, with rumor that it dates to the early 1900s. The pond is shown on the earliest found USGS Quadrangle maps, dating to the 1940s. The pond has an existing storage volume of 9.1 acre-feet, as surveyed by Monticello Engineering in 2007. Water from the pond has historically been used by previous property owners to water livestock and irrigate small pasture areas. The pond currently does not have an outlet pipe or pumping station. There is no current appropriative water right on the pond.

The owner plans to increase the storage volume of the pond to approximately 15 acre-feet by excavation. The approximately 8,200 cubic yards of material excavated from the pond will be spread over and tilled into approximately 5.9 acres of land to be developed for new vineyard, at a depth of less than one foot. The 15 acre-feet of total water storage will provide enough water to drip irrigate the 13.5 acres of proposed vineyard for one growing season.





1 0 2 4 6  
Scale in miles

Figure . — Average annual precipitation

## Attachment 5

### Water Availability Analysis

#### I. Watershed Inflow (Q) Formula:

$$Q = (A) \times (C) \times (P)$$

where:

A = Watershed area (acres)

C = Runoff coefficient from table (unitless)

P = Average annual precipitation (feet/year)

#### II. Watershed Area (A):

$$A = 48.37 \text{ acres}$$

source:

See Attachment 3

USGS Topographic Quad Sheet

Calistoga, CA.

#### III. Runoff Coefficient (C):

$$C = 0.62$$

source:

Attached table

|                 |                         |             |
|-----------------|-------------------------|-------------|
| Topography      | Steep, rugged terrain   | 0.35        |
| Soil Saturation | Thin soil mantle, rocky | 0.12        |
| Vegetal Cover   | Dense woodland cover    | 0.05        |
| Surface Water   | Well efined, no ponding | <u>0.10</u> |

Total

0.62

#### IV. Average Annual Precipitation (P)

$$P = 3.5 \text{ feet/year}$$

source:

Attached Napa County Precip. Map

P = 42 inches per year

#### V. Watershed Inflow (Q):

$$Q = (A) \times (C) \times (P)$$

$$Q = (48.37 \text{ ac}) \times (0.62) \times (3.5 \text{ ft/yr})$$

$$Q = 105.0 \text{ acre-feet/year}$$

**Attachment for 1260(k) Analysis**  
**Runoff Coefficient "C" for Undeveloped Areas**

| Watershed Characteristics | Watershed Types   |   |  |  |
|---------------------------|---|---|--|--|
|                           | Extreme   | High  | Normal   | Low  |
| Topography                | 0.28 – 0.35<br>Steep, rugged terrain with average slopes above 30%  | 0.20 – 0.28<br>Hilly, with average slopes of 10 to 30%  | 0.14 – 0.20<br>Rolling with average slopes of 5 to 10%   | 0.08 – 0.14<br>Relatively flat land, with average slopes of 0 to 5%  |
| Soil Saturation           | 0.12 – 0.16<br>No effective soil cover; either rock or thin soil mantle of negligible infiltration capacity | 0.08 – 0.12<br>Slow uptake of water; clay or loam soil of low infiltration capacity; imperfectly or poorly drained          | 0.06 – 0.08<br>Normal; well-drained, high or medium-textured soils, sandy loams, silt and silty loams                  | 0.04 – 0.06<br>High; deep sand or other soil that takes up water readily, very high level drained soils                                  |
| Vegetal Cover             | 0.12 – 0.16<br>No effective plant cover, bare, or very sparse cover   | 0.08 – 0.12<br>Poor to fair; clean cultivation crops, or poor natural cover, less than 20% of drainage area over good cover | 0.06 – 0.08<br>Fair to good; about 50% of area in grassland or woodland, not more than 50% of area in cultivated crops | 0.04 – 0.06<br>Good to excellent; about 90% of drainage area in grassland, woodland or with equivalent cover                             |
| Surface Water             | 0.10 – 0.12<br>Negligible surface depression few and shallow; drainage ways steep and small, no marshes     | 0.08 – 0.10<br>Low; very well defined system of drainage ways; no ponds or marshes  | 0.06 – 0.08<br>Normal; considerable surface depression storage, lakes and pond marshes                                 | 0.04 – 0.06<br>High; surface storage high; drainage system not sharply defined, large floodplain storage or large number of pond marshes |

The runoff coefficient "C" for a project in an undeveloped area may be identified as the sum of values given to specific characteristics of the watershed. To determine "C," select a value from the range of values assigned to the watershed type for each characteristic, and add the selected values.

Example: The characteristics of the watershed consist of:

- 1) Hilly terrain with average slope of 15%, (topography) = 0.25
  - 2) Well-drained gravelly loams, (soil saturation) = 0.11
  - 3) Planted with grapes, and (vegetal cover) = 0.07
  - 4) Low, well-defined drainage (surface water) = 0.09
- Total = 0.52

The runoff coefficient for the example watershed is 0.52.

Source: California Department of Transportation, *Highway Design Manual*, July1, 1995, pp. 810-816.